

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT JACKSON

FEBRUARY 1997 SESSION

FILED
Feb. 18, 1997
Cecil Crowson, Jr.
Appellate Court Clerk

HOWARD FRANKLIN,)
)
 APPELLANT,)
)
)
 v.)
)
)
 STATE OF TENNESSEE,)
)
)
 APPELLEE.)

No. 02-C-01-9604-CR-00122
Shelby County
Chris B. Craft, Judge
(Post-Conviction Relief)

FOR THE APPELLANT:

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OPINION FILED: _____

AFFIRMED PURSUANT TO RULE 20

Joe B. Jones, Presiding Judge

OPINION

The appellant Howard Franklin,¹ appeals as of right from a judgment of the trial court dismissing his suit for post-conviction relief following an evidentiary hearing. The appellant contends the trial court erroneously concluded the appellant received the effective assistance of counsel within the meaning of the United States Constitution and the Tennessee Constitution. After a thorough review of the record, the briefs submitted by the parties, and the law governing the issue presented for review, it is the opinion of this Court the judgment of the trial court should be affirmed pursuant to Rule 20, Tennessee Court of Criminal Appeals.²

JOE B. JONES, PRESIDING JUDGE

CONCUR:

JOHN H. PEAY, JUDGE

JOE G. RILEY, JUDGE

¹The appellant was tried and convicted as "Howard Glen Franklin." He filed this suit using the name of "Howard Franklin." The names refer to the same person. Since it is the policy of this Court to use the name appearing in the initial pleading, this case has been styled "Howard Franklin v. State of Tennessee."

²The testimony of the appellant and the testimony of trial counsel conflicts as to every material fact. It is obvious from a reading of the record the trial court did not believe the testimony of the appellant. Thus, the court accredited the testimony of trial counsel. The evidence contained in the record does not preponderate against the findings of fact made by the trial court.